

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JONATHAN MORGAN, et al.,
Plaintiffs,

v.

THE PLANO INDEPENDENT
SCHOOL DISTRICT, et al.,
Defendants.

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Case No. 4:04cv447

**MEMORANDUM ADOPTING IN PART REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 25, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Swanson's Motion to Dismiss Plaintiffs' "Other Claims" Based on Qualified Immunity (Dkt. 331) be GRANTED.

The court has made a *de novo* review of the objections raised by Plaintiffs (*see* Dkt. 350) and Defendant Swanson's response (*see* Dkt. 352) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. Therefore, Defendant Swanson's Motion to Dismiss Plaintiffs' "Other Claims" Based on Qualified Immunity (Dkt. 331) is GRANTED.

The claims against Defendant Swanson are DISMISSED with prejudice, and Defendant shall recover her costs from Plaintiffs.

IT IS SO ORDERED.

SIGNED this the 13th day of February, 2013.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE